

CHAPTER NO. 779**HOUSE BILL NO. 39****By Representatives Mike Turner, Head****Substituted for: Senate Bill No. 69****By Senator Cooper**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221, Part 4, relative to subsurface sewage disposal systems.

WHEREAS, scientific testing of disposal systems by Tennessee Technological University has determined that effluent filters effectively decrease solids carryover to the absorption field by an average of thirty percent (30%) or more, resulting in a longer life for the absorption field, saving the property owner potentially thousands of dollars and protecting the environment; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 68-221-4___. (a) Notwithstanding any provision of the law to the contrary, no county government official may require homeowner or the department to conduct any excavation of a pre-existing subsurface sewage disposal system prior to issuing any county permit or license for rebuilding, remodeling, or otherwise altering any house or establishment, mobile or permanent, utilizing such system; provided that:

(1) If the county permit is issued, the altered house or establishment utilizing the pre-existing subsurface sewage disposal system will be owned by the same owner or:

(A) An ancestor of such owner;

(B) The spouse or former spouse of such owner;

(C) A lineal descendent of such owner, of such owner's spouse or former spouse, or of a parent of such owner; or

(D) The spouse of any lineal descendent of such owner described in item (1)(C) of this section; who utilized the subsurface sewage disposal system prior to rebuilding, remodeling or otherwise altering such house or establishment;

(2) The owner, or person described in item (1)(A)-(D) of this section, has no actual knowledge of any defect with the subsurface sewage disposal system or any failure of such system;

(3) The pre-existing subsurface sewage disposal system is not constructed, altered, extended or repaired in any manner other than being connected to the rebuilt, remodeled or otherwise altered house or establishment;

(4) The rebuilding, remodeling, or other alteration of the house or establishment is not in connection with a sale of the property; and


(5) The property owner who applied and obtained the permit or license signs a sworn statement certifying compliance with this section.

(b) Prior to sale of such altered or improved house or establishment, the owner shall disclose such improvements utilizing the pre-existing subsurface sewage disposal system on the residential property disclosure statement required pursuant to Tennessee Code Annotated, Section 66-5-210.

SECTION 2. The provisions of subsection (b) of Section 1 of this act as amended shall be implemented using existing funds. No additional state funds shall be appropriated to implement the provisions of subsection (b).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 10, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 28th day of May 2004


PHIL BREDESEN, GOVERNOR